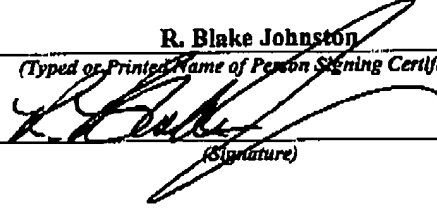


<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Cogley et al.			Docket No. P6265	
Serial No. 09/913,426	Filing Date March 12, 2002	Examiner G. Weeks	Group Art Unit 3721	
Invention: FASTENER DELIVERY APPARATUS				
<b>OFFICIAL</b>			<b>RECEIVED CENTRAL FAX CENTER</b>	
			SEP 22 2003	
I hereby certify that this <u>REQUEST TO RESTART REPLY PERIOD</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9302</u> ) on <u>September 18 2003</u> (Date)				
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September 18, 2003

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PATENT ATTORNEY DOCKET P6265

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Cogley et al.	)	Examiner:	Gloria Weeks
		)		
Serial No.:	09/913,426	)	Group Art Unit:	3721
		)		
Filed:	3/12/2002	)		
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For:	FASTENER DELIVERY	)		
	APPARATUS	)		
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SEP 22 2003

ASSISTANT COMMISSIONER OF PATENT AND TRADEMARKS  
WASHINGTON, D.C. 20231**REQUEST TO RESET REPLY PERIOD****OFFICIAL**

Dear Sir:

This is in regard to the Office Action in the above case dated June 18, 2003.

While the Office Action states on the summary page that claims 1-8 of the application are rejected, claims 4-7 are not clearly addressed nor recited in the substantive portion of the Office Action. More specifically, paragraph 2 recites claim 9, paragraph 4 recites claims 1-3 and paragraph 6 recites claim 8. None of the paragraphs of the substantive portion of the Office Action recite claims 4-7.

On or before August 18, 2003, the undersigned counsel for Applicants attempted to reach the Examiner, Tara Ho, at her number given on the Office Action to bring the error to her attention and request clarification. After a number of unsuccessful attempts to reach the Examiner, the Examiner's supervisor was contacted. The Examiner's supervisor advised Applicants' counsel that the case had been reassigned to Examiner Gloria Weeks. Applicants' counsel contacted Examiner Weeks on August 18, 2003, and brought the error to her attention. Examiner Weeks advised that she had taken over a number of Examiner Ho's cases and that she would obtain the file and call Applicants' counsel back. No call was received.

## PATENT ATTORNEY DOCKET P6265

Applicants' counsel contacted Examiner Weeks on September 16, 2003, and again brought the error in the Office Action to her attention. Examiner Weeks obtained the file, called Applicants back and advised that page 2 of the PTO's copy of the Office Action had been corrected via handwriting such that "Claims 1-3" in paragraph 4 had been changed to "Claims 1-7". Applicants' counsel advised Examiner Weeks that the mailed copy of the Office Action had not been so corrected. A copy of page 2 from the Office Action received by Applicants is attached. Applicants' counsel then requested that a corrected copy of the Office Action be issued and the reply period restarted. Examiner Weeks spoke to her supervisor, Examiner Yu, who, during a telephone call with Applicants' counsel, requested that the request to restart the reply period be in writing in accordance with 37 CFR 1.2.

Applicants respectfully request that the reply period be reset so that the shortened statutory 3 month period for reply is set to expire on October 16, 2003, instead of the original date of September 18, 2003. The basis for this request is as follows. MPEP 710.06 provides the following:

Where the citation of a reference is incorrect or an Office Action contains some other defect and...the error is brought to the attention of the Office within the period for reply set in the Office Action but more than 1 month after the date of the Office Action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the time period.

MPEP 710.06 further states that the new period for reply will run from the date that the Office Action is corrected and that the new period of reply must run for at least one month.

In the present case, there is no dispute that an error was made in the Office Action. Examiner Weeks admitted during the September 16 phone call that the PTO had marked the correction by hand on its copy. As stated previously, this correction was not reported to the Applicants until the telephone call of September 16.

The error was brought to the attention of the Office on August 18, 2003. At that time, one month remained in the reply period. The Office Action was not corrected until September 16, 2003, via the telephone call with Examiner Weeks. As a result, in accordance with MPEP

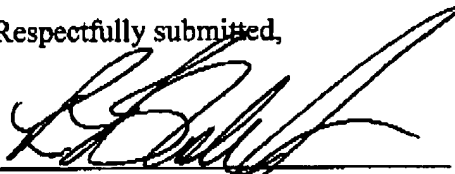
PATENT ATTORNEY DOCKET P6265

710.06, the new period for reply should extend one month from September 16, 2003, that is, October 16, 2003.

It should be noted that the paragraph of the Office Action following the indication that claims 1-3 were rejected (which were changed to 1-7 on the PTO copy), and the only portion of the Office Action addressing these claims substantively, is only one sentence and only six lines long. This further implied that claims 4-7 had not been addressed by the Office Action.

In summary, given that the Applicants brought the error to the attention of the Examiner on August 18, 2003, when one month remained in the reply period, and the Office Action was not corrected until September 16, 2003, Applicants respectfully request that the 3-month period for replying to the Office Action be reset to end on October 16, 2003.

Respectfully submitted,

  
\_\_\_\_\_  
R. Blake Johnston  
Reg. No. 41,097Date: 9/18/03

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